

STATE OF NORTH CAROLINA 2021 JUN -3 P 2 2 IN THE GENERAL COURT OF JUSTICE
27th JUDICIAL DISTRICT ROWEN C.S., C.S.C. SUPERIOR COURT DIVISION
29 R 4
JM

ADMINISTRATIVE ORDER REGARDING CONTINUANCE POLICY

It is the policy of this Court to provide justice for citizens without unnecessary delay and without undue waste of the time and other resources of the Court, the litigants, and other case participants. For all case types and dockets, and in all courtrooms, the Court looks with careful scrutiny at motions or requests to continue court events. In order to protect the credibility of scheduled trial dates, trial-date continuances are especially disfavored. The ends of justice and the requirements of due process shall be paramount at all times in considering motions, and, though such may be disfavored, they shall be granted when required in the proper administration of justice.

Now therefore, IT IS HEREBY ORDERED that:

1. Continuance in civil superior cases shall be in accordance with the Civil Case Management Plan and use form AOC-CV-221 as set forth in those rules.
2. Except in unusual circumstances, any continuance motion or request in a case more than 24 months old (as determined by date of service) shall be in writing, and filed not later than 48 hours before the court event for which rescheduling is requested. Whenever possible, continuance motions or requests in criminal matters shall be made using the appropriate forms issued by the North Carolina Administrative Office of the Courts, which as of this date would be AOC-CR-410.
3. Any attorney or party requesting a continuance shall state the reasons for the request.
4. Continuances on agreement of counsel or the parties shall not be automatically granted.

5. The Court shall grant a continuance only for good cause shown unless otherwise provided by law.¹
6. Continuances of criminal cases more than 24 months old (as determined by date of service) or that have been previously continued at more than three prior administrative settings, not including the initial administrative setting, are specifically disfavored, as are continuance motions in civil cases pending for more than 18 months and shall be granted only in extraordinary circumstances. The Court recognizes that some cases, particularly serious felonies such as murder and sex offense cases, or in financial crimes or other types of criminal or civil cases that are data heavy, or in cases involving injury to a party where there is a lengthy period of treatment, that extraordinary circumstances are more foreseeable than in other cases and shall take this into account when ruling on continuance requests.
7. Any grant of a continuance motion or request by the Court shall be made on the record, with an indication of who requested it and the reasons for granting it. For cases under paragraph #6, above, the motions shall be in writing.
8. Whenever possible, the Court shall hold the rescheduled court event as soon as practicable after the date from which it was continued, taking into consideration the reason for the request, the time needed to address the situation giving rise to the need for continuance, the pending cases already calendared or needing to be calendared, and any other considerations that may arise to ensure justice is properly administered.
9. Information about the source of each continuance motion or request in a case and the reason for any continuance granted by the Court shall be noted in the Order continuing the case which shall be part of the Court file. The Court shall assign the task of preparing the Order to whichever party the Court may deem appropriate, which should normally be the party requesting the continuance. Such Orders shall be prepared and submitted to the Court for review and signature within 10 days of the date of the hearing on the request to continue.
10. To the extent that this order conflicts with any statutory provision applicable to a particular continuance motion or request, the statutory provision will control.

¹ State law specifies the factors that judges must consider when ruling on pretrial continuance requests in criminal cases. G.S. 15A-952(g). State law entitles defendants in criminal cases to continuances in certain situations without any showing of good cause. *E.g.*, G.S. 15A-1023(b) (defendant must be granted continuance upon judge's rejection of plea arrangement); 15A-1024 (defendant is entitled to continuance upon withdrawal of plea following judge's determination to impose sentence other than as provided for in plea arrangement). There is at least one circumstance in which state law entitles the state to a continuance. G.S. 15A-1415(g) (court must grant state's request for 30-day continuance made in response to defendant's amendment to motion for appropriate relief).

11. At least quarterly, the Senior Resident Superior Court Judge shall generate and review a report of pending civil cases and, to the extent feasible, criminal cases, using any data the Administrative Office of the Courts can make available regarding the number of court dates each case had. To promote the consistent application of this continuance policy, these reports should be reviewed and discussed with all other judges in the district, bar representatives and other court-related agencies to seek resolution of any organizational or systemic problems that cause unnecessary delay in the timely resolution of all cases.

12. This order shall be adopted as a supplement to the Local Rules of Court and published on the Administrative Office of the Court's Local Rules website.

Entered this 29th day of December, 2023, effective January 1, 2024.



Michael S. Adkins
Senior Resident Superior Court Judge
19C Judicial District